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JAN 17 2005

To:	Jeza Riely, Primary Examiner	From:	Gary Baker
Fax:	(703) 872-9306	Pages:	10
Phone:	571 272-0786	Date:	January 17, 2005
Re:	Restriction Response	CC:	
Urgent	<input checked="" type="checkbox"/> For Review	<input type="checkbox"/> Please Comment	<input type="checkbox"/> Please Reply
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• **Comments:** CONFIDENTIAL

Dear Jeza,

As you requested, attached is a copy of our proposed Response to the Office communication of 11/04, 2004, in the matter of 10/070,340.

I look forward to discussing the Restriction and Election in a phone interview with you Tuesday, January 18, 2005, at 12:30, your time. I will call you.

Thanks,

Gary

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In response to the Restriction Requirement mailed November 4, 2004, Applicants elect to prosecute Group VII (claim 25, as renumbered), with traverse.

REMARKS

Claim Objections.

As a preliminary matter regarding the objections to claim numbering, Applicants agree that 37 CFR § 1.126 requires the original numbering of the claims to be preserved throughout the prosecution of an application. The present application 10/070,340, was filed under 35 § 371 including original claims 1-35 of PCT application PCT/EP00/08371. Subsequently, in a Preliminary Amendment of the original claims, claims 22-25 were cancelled. Based on these facts, Applicant believes that the original numbering of claims 1-35 should be maintained, and the renumbering of the original claims to claims 1-31 should be considered improper.

Restriction.

The Examiner has restricted the claims into 10 Groups for alleged failure of the claims to form a single inventive concept under PCT Rule 13.1 (Unity of Invention). However, with regard to the restriction of certain individual Markush style claims, the restriction is improper, as described below. Applicant proposes an alternative grouping that is proper and reduces the Examiner's search burden.

The claims were restricted in the present Office Action as follows:

Group I: claims 1-9 and 18-23;
Group II: claims 1 and 10;
Group III: claims 1, 5, 6, 11 and 12;
Group IV: claim 13;
Group V: claims 14-17;
Group VI: claim 24;
Group VII: claim 25;
Group VIII: claims 26-29;
Group IX: claim 30; and,
Group X: claim 31.